

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

RODNEY BECKWITH, IV,

Case No. 22-12641

Plaintiff,

F. Kay Behm

v.

United States District Judge

FORD MOTOR COMPANY,

Defendant.

**ORDER REGARDING DEFENDANT'S
MOTION TO DISMISS (ECF NO. 9)**

On November 2, 2022, Plaintiff, Rodney Beckwith IV, filed a complaint against his former employer, Ford Motor Company, alleging claims under ERISA, the FMLA, Elliott-Larsen, and the PDCRA. (ECF No. 1). On January 6, 2023, Ford filed a Motion to Dismiss Plaintiff's Complaint. (ECF No. 9).

Fed. R. Civ. P. 15(a)(2) states that courts should grant leave to amend a complaint "when justice so requires." Beckwith has not filed an amended complaint. In the court's view, under the present circumstances, allowing Beckwith an opportunity to amend serves the ends of justice. Accordingly, without expressing any view regarding the merits of the Motion to Dismiss, the court will afford Beckwith the opportunity to cure any purported deficiencies by

filing an amended complaint. The court **ORDERS** that any amended complaint must be filed within 14 days of today's date.

As a result, Beckwith is presented with a choice of how to proceed, given that a motion to dismiss has been filed. He may stand on the response to the motion to dismiss already filed or he may file an amended complaint. If Beckwith chooses to file an amended complaint, the court will deny without prejudice the currently pending motion to dismiss as moot. If Plaintiff elects not to file an amended complaint and instead relies on his response, the court will rule on the pending motion and any dismissal may be with prejudice.

IT IS SO ORDERED.

s/F. Kay Behm
F. Kay Behm
United States District Judge

Dated: March 3, 2023